

REMARKS

Before the application is taken-up for examination on the merits, it is respectfully requested that the following remarks be given consideration.

In the art of permanent ground covering, mulches are susceptible to being moved and scattered by wind and/or rain unless they are of sufficient size to resist the same; however, at this size, they are not easily spread and are aesthetically unacceptable.

The invention resolves this problem by providing a permanent mulch material that is relatively small in particle size, easy to spread, and can resist movement under the effects of wind and rain.

This is accomplished by providing a permanent ground covering mulch of a self-coherent particulate magnetic material comprising a mixture of a particulate magnetic material and a particulate magnetic attracting material; wherein the particulate magnetic material comprises magnetic particles of a dimension of from about 1 to about 25 millimeters, and comprises at least about 50% by volume of the self-coherent particulate magnetic material mixture.

The Kenmoku reference only disclose a soil conditioner which contains ferromagnetic iron oxide that is used as soil for plant cultivation by itself or in the form of a mixture with soil. This soil conditioner may adsorb nutrients such as ammonia, K and phosphorus from the soil and supply these to plants.

In Kenmoku there is no disclosure of or reference to, inclusion of a particulate magnetic attracting material or a particulate magnetically inert material.

Kenmoku also lacks any disclosure of or reference to, the particle size dimensions of the magnetic material – and, the size of particles necessary to resist movement under the effects of wind and rain for permanent mulches - as opposed to a soil conditioner.

Finally, Kenmoku lacks applicant's requirement that the magnetic particles for easy spreading be of a dimension of from 1 to about 25mm, and comprise at least 50% by volume of the mulch mixture.

Thus, Kenmoku fails to anticipate applicant's claims – as presently amended.

Kenmoku also fails to render claim 17 obvious, in that Kenmoku only disclose a soil conditioner of ferromagnetic iron oxide which adsorbs nutrients such as ammonia, K and phosphorous. In Kenmoku et al., there is no reference to or mention of, use of a mulch of a self-coherent particulate magnetic material comprising a mixture of a particulate magnetic material and a particular magnetic attracting material or particulate magnetically inert material – let alone a mulch in which the magnetic particles are of a dimension of from about 1 to about 25mm, and comprise at least 50% by volume of the mixture.

The fact that the soil conditioner of ferromagnetic iron oxide of Kenmoku et al. may adsorb nutrients such as ammonia, K and phosphorous from the soil in no way teaches or suggests to one skilled in the art that adsorption of these materials from the soil is equivalent to or obvious with a permanent mulch comprising a particulate magnetic attracting material or a particulate magnetically inert material with the ferromagnetic iron oxide material to render it self-coherent.

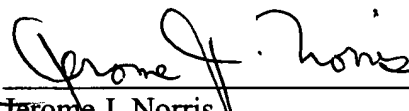
There is no self-coherency in Kenmoku soil conditioner – but instead, adsorption.

Hindsight after reference to applicant's invention to the effect that it would be obvious to prepare a permanent mulch having a particulate magnetic attracting material or a

magnetically inert material as called for by the present invention is not a recognized legal basis to reject a claim. A soil conditioner is not a mulch and Kenmoku fails to teach it as such.

When the foregoing amendments, remarks, factual explanations and arguments are weighed, it is believed that the application as presently postured would warrant allowance and early notification of the same is earnestly solicited.

Respectfully submitted,



Jerome J. Norris
Attorney for Applicant
Registration No. 24,696

Law Offices of Jerome J. Norris
1901 Pennsylvania Avenue, N.W. #305
Washington, D.C. 20006
Telephone: (202) 737-4410
Facsimile: (202) 737-3315
Date: October 7, 2005